

UNITED STATES DISTRICT COURT

for the
DISTRICT OF MINNESOTA

PRESTON BYRON KNAPP

Plaintiff,

vs.

WINGS CREDIT UNION;
AKA WINGS FINANCIAL CREDIT UNION.

Defendants.

Cause No: 0:24-cv-00434-DWF-ECW

**PLAINTIFF PRESTON BYRON KNAPP'S PRO SE MOTION TO STRIKE DEFENDANT'S MOTION
TO DISMISS FOR SCANDALOUS MATTERS AND ATTEMPT TO CREATE A SIMULATED LEGAL
PROCESS**

Preston Byron Knapp ("Plaintiff"), proceeding pro se, respectfully submits this *Motion to Strike Defendant Wings Credit Union's Motion to Dismiss* pursuant to Federal Rule of Civil Procedure 12(f)(2). This motion is based on the grounds that the Defendant's Motion contains scandalous matters and represents an attempt by Attorney Mansfield to simulate a legal process to the detriment of the Plaintiff and the integrity of this Court. In support of this Motion, Plaintiff states the following:

I. FACTS

1. The Plaintiff's Summons was duly issued by the Clerk of this Honorable Court on February 14th, 2024.
2. In compliance with Federal Rule of Civil Procedure 4, the Plaintiff mailed the Summons and Complaint to the Defendant, thereby initiating the Service of Process.
3. On or about March 12th, 2024, Attorney Magyar, representing the Defendant, reached out to the Plaintiff, expressing a desire to engage in a "meet and confer" session as mandated by Local Rule 7.1.
4. The Plaintiff communicated to Attorney Magyar that Service of Process had not yet been perfected, indicating that the "meet and confer" session would be more appropriately scheduled

after the Service of Process was completed.

5. Despite this, on March 13th, 2024, the Defendant Wings Credit Union, through Attorney Mansfield, proceeded to file a series of documents on the court docket, initiating a flurry of legal activity without due regard for the proper procedural order and timing (*Id.* at docket 6-12).

II. INTRODUCTION

The Defendant, through their counsel, Attorney Mansfield, has filed a Motion to Dismiss that includes unfounded allegations and derogatory statements that serve no legal purpose other than to scandalize and prejudice the Plaintiff in the eyes of this Court. Moreover, Attorney Mansfield's conduct in filing such a Motion constitutes an attempt to create a simulated legal process that undermines the principles of justice and due process.

III. ARGUMENT

The Defendant, through its counsel, has introduced into the docket a Motion to Dismiss that is rife with allegations and characterizations of the Plaintiff and his legal actions that are not only irrelevant to the procedural and substantive merits of this case but are also scandalous and prejudicial. This motion, in part and in whole, serves no purpose other than to improperly influence the court's perception of the Plaintiff and to detract from the legitimate legal issues at hand.

Moreover, Plaintiff believes that Defendant's counsel is well aware that this Honorable Court would lack jurisdiction to rule on the Motion to Dismiss prior to having Service perfected. The premature filing of such motions, therefore, appears to be a strategic attempt not only to overburden the Plaintiff but also to create a confusing and simulated legal process. This approach is contrary to the spirit of the Federal Rules of Civil Procedure and the ethical standards governing legal conduct, as outlined in Minnesota Professional Rules of Conduct 3.3 and 3.4.

IV. REQUESTED RELIEF

Given the aforementioned reasons, the Plaintiff respectfully requests that this Honorable Court:

- a. Strike the Defendant's Motion to Dismiss in its entirety for containing scandalous matters and for its part in an attempt to create a simulated legal process, pursuant to Federal Rule of Civil Procedure 12(f).
- b. Consider imposing sanctions or corrective measures on the Defendant and its counsel to prevent the recurrence of such conduct and to preserve the integrity of the judicial proceedings.

V. CONCLUSION

Plaintiff Preston Byron Knapp respectfully urges this Court to grant this Motion to Strike the Defendant's Motion to Dismiss. Granting this motion is essential to ensure that the proceedings are conducted in a manner that is fair, respectful, and consistent with procedural justice and the professional conduct expected in this jurisdiction.

Dated: March 13th, 2024

RESPECTFULLY SUBMITTED,

BY: /s/ Preston Byron Knapp
Preston Byron Knapp
Plaintiff, Pro Se
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(262) 496-8083

CERTIFICATE OF SERVICE

I hereby certify that on March 13th, 2024, a copy of the foregoing *Motion to Strike Defendant's Motion to Dismiss* was filed with the Clerk of this Court as is required by Pro Se litigants. Plaintiff further certifies that this Motion was served on all attorneys of record.

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